

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456
Master File: 1:01-CV-12257-PBS
Sub-Category: 1:06-CV-11883-PBS

THIS DOCUMENT RELATES TO:

Hon. Patti B. Saris

State of South Carolina – State Medicaid Case

STATUS REPORT

Pursuant to the Court's June 16, 2004 Procedural Order, Plaintiff the State of South Carolina, by and through the State Medicaid Plan, hereby submits the following status report.

/s/ William E. Hopkins, Jr.

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METHVIN, PORTIS & MILES, PC**

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MDL 1456 Status Chart – South Carolina Medicaid Case

<u>Case Name</u>	<u>MDL Docket No.</u>	<u>Original Jurisdiction</u>	<u>Status</u>
State of SC v. Abbott Labs, Inc.	1:06-CV-11883-PBS	Removed to District of South Carolina	<ul style="list-style-type: none">• The parties are coordinating discovery efforts with related cases brought by South Carolina against numerous other drug manufacturers currently pending in state court.• Third party discovery is ongoing.• Depositions of State witnesses have been delayed due to a pending discovery motion but will begin upon its resolution.• The State has been making document productions on a rolling

		<p>basis.</p> <ul style="list-style-type: none">• On January 18, 2012, the state court heard further arguments regarding the remaining “internal” documents contained on the Attorney General’s Privilege Log and a Motion to Compel Production of Certain Data from Medco. The state court took the matters under advisement. At the hearing, the state court signed an order extending the existing scheduling order in these cases by six months (fact discovery to close by September 2012).• On January 24, 2012, the Court denied Plaintiff’s Motion to Remand.• On January 27, 2012, the Court approved an extension to the fact discovery deadline to September 14, 2012.• Following a February 22, 2012 status conference with this Court, the Court agreed that on or after September 17, 2012, defendant may file a motion for summary judgment based on the three-part “yardstick” test developed and applied by this Court in other AWP-related matters and plaintiff may renew its motion to remand this action to the federal district court in South Carolina.• A deposition of Medco Health Solutions
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			<p>took place on February 29, 2012.</p> <ul style="list-style-type: none">• Mediation was conducted by the parties in Chicago, IL on May 18, 2012.• South Carolina Medicaid depositions have been scheduled.
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CERTIFICATE OF SERVICE

I, the undersigned employee of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., do hereby certify that on the 10th day of September, 2012, a true and complete copy of the foregoing was served via electronic service pursuant to the Case Management Order by sending a copy to LexisNexis File & Serve for posting and notification to all counsel of record.

/s/ William E. Hopkins, Jr.

William E. Hopkins, Jr.